

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NTM/434**

- Applicant** : CLP Power Hong Kong Limited represented by Pacific Extend Ltd.
- Site** : Lot 518 (Part) in D.D. 98 and Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 36.6 m<sup>2</sup> (including GL of about 27.9 m<sup>2</sup> (76.2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/12
- Zoning** : “Conservation Area” (“CA”) (about 95% of the Site)  
“Green Belt” (“GB”) (about 5% of the Site)
- Application** : Proposed Public Utility Installation (Low Voltage Cable Laying) and associated Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (low voltage cable laying) and associated excavation and back-filling of land at the application site (the Site) with majority of the Site falling within an area zoned “CA” (95%) and partly zoned “GB” (5%) on the approved Ngau Tam Mei OZP (**Plan A-1**). According to the Notes of the OZP for the “CA” and “GB” zones, ‘Public Utility Installation’ and excavation and back-filling of land require planning permission from the Town Planning Board (the Board). Majority of the Site is along an existing local track while a small section of it is covered with vegetation.
- 1.2 According to the applicant, the proposed installation is for providing electricity to support the agricultural use at Lot 518 (part) in D.D. 98 (**Plan A-2**). The proposal involves laying a cable of about 122m in length with associated land excavation of about 0.3m in width and about 0.55m in depth, involving a total excavation area of about 36.6m<sup>2</sup>. Upon installation of the proposed cable, the cable trench will be back-filled to ground level with the original material. The location plan and the section plan are at **Drawings A-1 and A2**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 12.1.2022 (Appendix I)
  - (b) Further Information (FI) received on 24.1.2022<sup>#</sup> (Appendix Ia)
  - (c) FI received on 27.4.2022 <sup>#</sup> (Appendix Ib)
- <sup>#</sup> *exempted from publication and recounting requirement*

1.4 In light of the special work arrangement for government departments due to the COVID-19 pandemic, all fieldwork were suspended during the special work arrangement, some relevant background information of the application sites as well as comments from some relevant departments were not available. As such, the Board agreed to defer consideration of the application on 4.3.2022. The application is now scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in at **Appendices I to Ib**. They can be summarized as follows:

- (a) The proposed cable laying works is for provision of electricity for irrigation, lighting and water pumping in support of proposed agricultural use at Lot 518 (part) in D.D. 98.
- (b) The proposed works will not cause adverse impacts on the landscape, environment, sewerage, drainage and water supply. The applicant shall minimise the disturbance to the nearby vegetation during the land excavation/filling works.
- (c) The installation works will be carried out shortly after obtaining the planning permission and will be completed by June 2022. It will be carried out only from 9am to 5pm.
- (d) The existing local road will not be obstructed. All vehicles are allowed to use the existing roads during construction period.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

**4. Background**

The Site is not subject to any active planning enforcement action.

**5. Previous Application**

The Site is not the subject of any previous application.

**6. Similar Application**

There is no similar application within the same “CA” and “GB” zone.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Site is:

- (a) located at the foothill near Saddle Pass (Ki Lun Shan Au);
- (b) mainly located along an existing concrete-paved local track, with portions covered with vegetation; and
- (c) accessible by the existing local track connecting Ka Lung Road.

7.2 The surrounding areas are rural in character comprising scattered residential dwellings/storages, vacant land, grass land, woodland, ponds and a chicken farm:

- (a) to its north are some residential dwellings/storages and vacant land; to its northeast at Lot 518 are paved vacant land, vegetation with trees and some graves;
- (b) to its east are vacant land, woodland and graves;
- (c) to its south are vacant land; to the further southeast is a chicken farm; and
- (d) to its west are some residential dwellings/storages, ponds and vacant land.

**8. Planning Intention**

8.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from adverse effects of development. There is a general presumption against development in the “CA” zone. In general, only developments that are needed to support the conservation of the

existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

- 8.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government departments have been consulted and their views are summarized as follows:

### **Land Administration**

- 9.1.1 Comments from the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

Should the planning application be approved, the applicant has to apply for excavation permit(s) before commencement of works. However, there is no guarantee at this stage that the excavation permit(s) would be approved. Such application will be dealt with by LandsD acting in the capacity of the landlord at the discretion of LandsD, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of administrative fee as may be imposed by LandsD.

### **Traffic**

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment from traffic engineering point of view.
- (b) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

- 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);

- (a) The existing local track is not maintained by HyD.
- (b) The Site for cable laying is not maintained by HyD. Excavation Permit on GL should be obtained from DLO/YL prior to commencement of excavation works.
- (c) The access arrangement to the Site from Ka Lung Road should be commented by TD.

- (d) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Ka Lung Road.
- (e) Adequate drainage measures should be provided to prevent surface water flowing from the Site to the nearby public roads and drains.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) The applicant advised in the FI (**Appendix Ib**) that during construction phase, mitigation measures will be implemented to handle non-point source and point source pollution and the applicant will ensure compliance with relevant regulations, best practices and guidelines (Water Pollution Control Ordinance (WPCO), ProPECC PN 1/94 “Construction Site Drainage”, etc.). Also, the applicant confirmed that the works area would be reinstated and there would not be any discharge during operation phase.
- (c) No environmental complaint pertaining to the Site has been received over the past 3 years.

### **Landscaping**

#### 9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection on the application from landscape planning perspective.
- (b) Based on the aerial photo of 2021, the Site is situated in an area of rural inland landscape character comprising small houses, temporary structures and scattered tree groups. The Site is mainly hard paved road with portion of vegetated area, and existing trees are observed right next to the Site. No detail information on landscape resources within the Site and proposed landscape treatment is provided. Nevertheless, given the scale and nature of the works, significant adverse impact on the existing landscape character and resource due to the proposed utility installation and excavation works is not anticipated.
- (c) Excavation of land should be carried out away from the Tree Protection Zone (TPZ) and trenching of roots should be avoided. Proper tree preservation measures should be carried out to avoid damage to existing trees during excavation. The applicant shall

refer to the guidelines promulgated by the DEVB on Tree Preservation during Construction.

- (d) Approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant shall seek approval for any proposed tree works from the maintenance parties and relevant departments prior to commencement of the works.
- (e) In consideration that there is limited space for meaningful landscaping, it is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

### **Nature Conservation**

#### **9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):**

She has no comment on the application from nature conservation point of view. The Site has been paved and no plant of conservation interest was recorded in the vicinity of the Site based on site inspection. Nevertheless, the applicant shall minimize the disturbance to the nearby vegetation during filling and excavation of land.

### **Drainage**

#### **9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):**

He has no objection in principle to the application from drainage operation and maintenance point of view, subject to the following:

- (i) the proposed works should not affect/damage DSD's assets in the vicinity. Should such damage occur, the applicant is requested to inform DSD immediately and carry out remedial works so required to DSD's satisfaction.
- (ii) since the applicant proposes filling and excavation of land on the Site, the applicant shall ensure that there will be no adverse drainage impact to the adjoining areas and drainage facilities in the vicinity.

### **Building Matters**

#### **9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):**

- (a) He has no comment for the proposed public utility installation (LV cable laying) and associated filling and excavation if it is not associated with any building construction.
- (b) Formal approval and consent should be obtained from the Building Authority (BA) prior to the commencement of the excavation and backfilling works.
- (c) Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land street or services.
- (d) His detailed comments are at **Appendix III**.

### **Others**

#### 9.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) No cable or duct shall be laid in parallel and directly on top of an existing water mains.
- (b) A minimum clearance of 450mm shall be maintained between the new cable or duct and any adjoining water mains.
- (c) Where cross-over of any water mains is inevitable, the minimum clearance requirement stated in (b) shall also apply.

#### 9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no comment from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned documents should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

#### 9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD);

- (b) Director of Fire Services (D of FS);
- (c) Commissioner of Police (C of P);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (g) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (h) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD).

## **10. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 21.1.2022. During the first three weeks of the statutory public inspection period which ended on 11.2.2022, one public comment was received from an individual objecting to the application that the applicant did not provide information on the purpose of the proposed installation and the natural resources shall be preserved (**Appendix II**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is to seek planning permission for proposed public utility installation (low voltage cable laying) and the associated excavation and back-filling of land at the Site with almost the entire Site falling within the “CA” zone (95%) with a minor portion encroaching onto the “GB” zone (5%). The proposed cable has a total length of about 122m, with proposed land excavation of about 0.3m in width and 0.55m in depth, which will be carried out mainly along the concrete-paved local track and partly on area covered with vegetation.
- 11.2 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from adverse effects of development, and generally only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted; while the “GB” zone is primarily intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development in both “CA” and “GB” zones. As indicated by the applicant, the proposed installation is to provide electricity for the proposed agricultural use at Lot 518 (part) in D.D. 98 (**Plan A-2**) which is zoned “CA”. According to the Notes of the OZP, ‘Agricultural use (other than plant nursery)’ is permitted within the “CA” zone. While the proposed public utility installation and its associated excavation and filling of land are not entirely in line with the planning intention of the “CA” zone, they provide electricity supply to facilitate the operation of an always permitted agricultural use. Thus, sympathetic consideration could be given to the application.



- 11.3 The Site is located at the fringe of the “CA” zone with some scattered residential dwellings, storages and vacant land in vicinity. The proposed installation is mainly along an existing paved local track with a small section on vegetated area and it is small in scale involving an area of about 36.6m<sup>2</sup>. According to the applicant, disturbance to the nearby vegetation during the land excavation/filling works will be minimised and the Site will be backfilled to the original ground level after completion of the proposed installation. DAFC has no comment from nature conservation point of view as the Site has been paved and no plant of conservation interest was recorded in the vicinity of the Site. CTP/UD&L of PlanD has no objection as significant adverse impact on the existing landscape character and resource is not anticipated given the scale and nature of the proposed works. Relevant government departments have no objection to or no adverse comment on the application on technical aspects.
- 11.4 Regarding the public comment objecting to the application as detailed in paragraph 10, the departmental comments and planning assessments above are of relevance.

## 12. **Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taking into account the public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.5.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or permission is renewed. The following advisory clauses are suggested for Members’ consideration:

### Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the proposed installation is not in line with the planning intention of the “Conservation Area” (“CA”) zone which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There is a general presumption against development within this zone. The applicant fails to demonstrate that the proposed installation is an essential infrastructure project with overriding public interest.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 12.1.2022
<b>Appendix Ia</b>	FI received on 24.1.2022
<b>Appendix Ib</b>	FI received on 27.4.2022
<b>Appendix II</b>	Public comment
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan of Proposed Installation
<b>Drawing A-2</b>	Section Plan of Cable Trench
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**